

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

VITAL PHARMACEUTICALS,  
INC., et al.,  
Plaintiffs,

v.

MONSTER ENERGY COMPANY,  
et al.,  
Defendants.

CV 23-3862 DSF

Order to Show Cause Why Case  
Should Not Be Transferred Back  
to the Southern District of  
Florida

This case originated as an adversarial action in Plaintiffs' bankruptcy proceedings in the Southern District of Florida. Defendants filed a motion in the District Court seeking withdrawal of the reference and transfer to this District. It appears that due to the opposition to the motion being filed in the Bankruptcy Court instead of the District Court, the District Court granted the motion for lack of opposition. On a motion for reconsideration, the District Court found that it lacked jurisdiction to reconsider the transfer order under Eleventh Circuit law. The District Court explicitly noted that "[t]his is not to say that Plaintiffs are precluded from petitioning the Central California District Court to retransfer the case." Dkt. 17 at 2 n.1.

Given that the motion to withdraw the reference and to transfer the case was granted on the mistaken impression that there was no opposition to the motion, Defendants are ordered to show cause, in writing, no later than June 7, 2023, why this case should not be

transferred back to the Southern District of Florida to allow the District Court to rule on the merits of the motion.

IT IS SO ORDERED.

Date: June 1, 2023



Dale S. Fischer  
United States District Judge